

Serial No. 10/716,728

REMARKS

This amendment is responsive to the office action dated September 28, 2005.

Claims 1-23 were pending in the application. Claims 1, 3 and 5-9 were rejected. Claims 12-23 were allowed and Claims 2 and 9-11 were determined allowable but were objected to.

By way of this amendment, the Applicant has amended Claim 1. Claim 2 has been canceled. Claims 3-23 remain unchanged.

Accordingly, Claims 1 and 3-23 are currently pending.

I. REJECTION OF CLAIMS UNDER 35 USC 102

Claims 1, 3 and 5-8 were rejected under 35 USC 102(b), as being anticipated by GB Patent No. 2,241,318 (Smith). The rejection stated that Smith discloses a receiver sleeve with a first end and a second end a tubular side wall and a planar end wall with an interior surface, an exterior surface and an aperture therethrough, a non-reflective coating on the interior surface of the end wall and a lens and that since Smith discloses every element of the present invention, the claims of the present application are anticipated and therefore not patentable.

The Applicant has amended Claim 1 of the present invention to include the limitations found in Claim 2. Namely, Claim 1 has been amended to include the limitation that the optical end of the lighting element is substantially entirely on the exterior side of the plane of the end wall.

The cited Smith reference does not disclose this limitation. Further, the Examiner has indicated that the subject matter of Claim 2 was distinguishable and therefore allowable over the prior art. Accordingly, in view of the amendment to Claim 1, the Applicant believes that this rejection has been rendered moot.

Since the present invention, in the claims as amended, recites subject matter that is not disclosed in Smith, and since this particular subject matter has been determined to be patentable by the Examiner, the cited Smith reference cannot anticipate the present

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invention as required under §102 and therefore the rejection is not believed to be applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

II. REJECTION OF CLAIMS UNDER 35 USC 103

Claim 4 was rejected under 35 USC 103(a) as being unpatentable over Smith. The Examiner has stated that although Smith does not disclose an LED, it would have been obvious to one skilled in the art to use an LED in place of the Smith lighting element.

As stated above Claim 1 has been amended to include the allowable subject matter of Claim 2. Since the present invention, in the claims as amended, recites subject matter that is not disclosed in Smith, and since this particular subject matter has been determined to be patentable by the Examiner, the cited Smith reference cannot render the present invention obvious under §103. Reconsideration and withdrawal of this rejection is respectfully solicited.

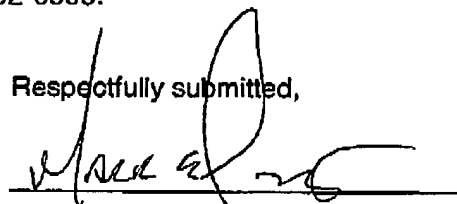
III. CONCLUSION

Accordingly, claims 1 and 3-23 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,



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